

**STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
BOARD MEETING**

**DRAFT MINUTES**

**June 26-28, 2006**

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED  
MSF = MOTION: MADE, SECOND: FAILED)**

**THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 1:34 PM, MONDAY, JUNE 26, 2006, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. MEMBERS WILL JUDGE (CHAIRMAN), SCOTT FARR, BILL BERNT, AND MARCUS GIBBS WERE IN ATTENDANCE. ALSO PRESENT WERE DIRECTOR JAKE HOWARD, BOARD ENFORCEMENT ATTORNEY STEVE TOBIASON, ENFORCEMENT CHIEF BJ SNOOKS, AND TECHNICAL RECORDS SPECIALIST BONNIE FOGDALL. WAYNE HUNSUCKER WAS EXCUSED. ALSO IN ATTENDANCE WERE MARIA BARRATT, DFM ANALYST, STATE OF IDAHO, AND PEGGY BERNT.**

**Review of Agenda** - Director Howard reviewed the agenda indicating that the meeting would begin at 8:00 a.m. Tuesday, June 27, 2006. Several items have been moved around or deleted on the agenda. Director Howard requested that Mr. Tobiason's two consent agreements be moved to immediately follow the review of the agenda in order to accommodate Mr. Tobiason's and the Board's schedule. Director Howard also introduced Maria Barratt, Division of Financial Management, who subsequently explained her interface with IOGLB.

**Consent Agreements:**

**Terry Sullivan** – Enforcement Attorney Tobiason explained the facts of the case relating to Mr. Sullivan. The Board indicated that Mr. Sullivan's consent agreement was not sufficient and discussed the potential of a license revocation because matters outlined in the stipulated agreement represented significant violations. Director Howard suggested that the Board reject the proposal and have Mr. Sullivan participate in a Show Cause hearing in August. **MSC (MOTION: FARR, SECOND: GIBBS -- UNANIMOUS) TO REJECT THE STIPULATION AND CONSENT AGREEMENT FOR TERRY SULLIVAN AND THAT DIRECTOR HOWARD REVAMP THE CONSENT AGREEMENT AND PRESENT IT BEFORE THE BOARD INCLUDING A FIVE YEAR PROBATION FOR THE OUTFITTER, APPROPRIATE FINES FOR UNLICENSED GUIDES, AND FULL REIMBURSEMENT TO CLIENTS (COST**

**OF HUNT). IF SULLIVAN DOES NOT ACCEPT THE AGREEMENT, THAT SULLIVAN BE DIRECTED TO APPEAR AT THE AUGUST BOARD MEETING DURING A SHOW CAUSE HEARING.**

**Joseph N. Peterson** – Enforcement Attorney Tobiason explained the facts of the case relating to Mr. Peterson being cited by Fish & Game for improper bear baiting off of a public road. **MSC (MOTION: FARR, SECOND: BERNT – UNANIMOUS) TO ACCEPT THE STIPULATION AND CONSENT AGREEMENT FOR JOSEPH N. PETERSON.**

*Enforcement Attorney Tobiason and Enforcement Chief Snooks left the meeting at 2:25 p.m. Chairman Judge had the Board take a brief recess at 2:26 p.m. and reconvened the meeting at 2:35 p.m.*

**Consent Agenda - MSC (MOTION: FARR, SECOND: BERNT – UNANIMOUS) TO APPROVE CONSENT AGENDA INCLUDING CHAIRMAN JUDGE'S EDITORIAL CHANGES TO THE MEETING MINUTES.**

**Financial Report** - Director Howard stated that he is projecting that IOGLB will close out the fiscal year by generating adequate revenue and maintaining costs within budget. He said the end of the state fiscal year is June 30 and year end financial report will be available at the August Board meeting or earlier if requested. **MSC (MOTION: GIBBS, SECOND: BERNT- UNANIMOUS) TO APPROVE THE FINANCIAL REPORT.**

**Probationary Report** – Chief Snooks presented the probationary report, covert operations funds, and case report. **MSC (MOTION: GIBBS, SECOND: BERNT, UNANIMOUS) TO APPROVE PROBATIONARY REPORT.**

**Director's Report – Licensing:** Director Howard pointed out that the end of the licensing year was June 30. The trend of outfitters' businesses moving to corporate outfitters continues. DA licensing continues to grow slowly. Guide licenses continue to be on track with previous years. IOGLB is issuing licenses within the 7 day limit and looking at ways to improve the process. Online access continues to help improve the licensing processes and timeliness. IOGLB has signed a new agreement with Access Idaho to complete the development of new guide applications and training forms. Director Howard explained that staff hoped to implement this system during the off cycle for licenses in order to identify implementation problems and minimize the impact on the industry. He said that implementation was targeted for the late summer of 2007.

**Budget:** Director Howard indicated the office is in the process of putting the budget together for 2008. Anticipating submitting a maintenance budget with a one time expenditure of approximately \$30K+/- to update IOGLB's data base to accommodate changes to licensing; IOGLB's GIS system; and the outfitter use reports to be developed with Access Idaho, as well as to purchase a plotter to print maps from GIS and a new server that can handle the GIS system. An additional item will be a new printer to print licenses with a price tag of approximately \$3K. Director Howard reminded the Board that now he has found an Office Supervisor, he will be able to focus on enhancing the

Enforcement Program. **Personnel** -- Director Howard then discussed office changes beginning with Enforcement Chief BJ Snooks' pending resignation to accept a position with the Ada County Sheriff's Office. Director Howard acknowledged Chief Snooks' contribution and how far he has brought the enforcement program for IOGLB. Director Howard indicated the position has been announced in the local media and through the state of Idaho website. The position will close on Friday. Director Howard asked the Board to provide direction on their participation in those interviews. The Board indicated they would have Board Member Gibbs participate. Director Howard indicated that Enforcement Chief Snooks, Enforcement Attorney Tobiasson and Office Supervisor, Fogdall would be involved in the interviews. Director Howard indicated that Mr. Snooks hoped to transition into one of the part time enforcement staff once he begins his new position. Director Howard indicated that the salary may be a problem in hiring a qualified person. Director Howard explained the untimely departure of Office Specialist I, Maria McKeeth and that IOGLB hired Terry Sanchez who will be starting July 3. Director Howard also indicated that the Technical Records Specialist had been absorbed into a new Office Supervisor 1 position and Bonnie Fogdall has accepted that position. Ms Fogdall will manage the day to day office operations including licensing and allocation programs and will supervise the three office staff. He said this was done as the result of the Board's direction for the Executive Director to spend more time on planning, problem solving, coordination and public relations. Director Howard explained that he will be able to focus on enhancing the Enforcement program. **Hells Canyon Letters:** Letters to several Hells Canyon Outfitters have been sent regarding licensing inconsistencies in Hells Canyon. Letter to **Mr. Vander Esch** regarding question about his operating area and tags was prepared. Board members acknowledged receiving the Mr. Vander Esch's letter and reviewed the draft response. They asked Director Howard to send the response. Director Howard reviewed the **Sandy Podsaid** request for snowmobiling and confirmed that Mr. Podsaid had never been licensed for snowmobiling in the Coeur d'Alene area. Director Howard reviewed a letter that had been prepared to the outfitters operating on the **St. Joe River** implementing the rule change reallocating their use of the river. He said that the proposed/temporary rule was approved by the Governor's office allowing this rule to be implemented as an emergency rule and goes into effect on July 15, 2006. He explained that Maria Barrett was instrumental in getting the change approved. It will now go through the formal public comment period and formal Legislative approval. He discussed a letter to **IOGA** regarding the working group to examine statute and rule change that has been sent and is waiting for IOGA's response. **Comp time:** An email from DFM was reviewed indicating that state employees having comp time at the end of the fiscal year were to be paid off at the end of the fiscal year and that future comp time was to be minimized. He explained that funds were available to pay the office staff, Mr. Snooks would use his comp as the result of his resignation and that he personally did not have comp time to be paid. The Director also explained changes made statewide by the legislature to the "Executive" pay policies where Executive employees are paid salary rather than hourly and no longer report comp time. Maria Barrett explained the need to manage comp time to the Board and the reasoning by the State to ask dedicated agencies to buy down excess time so they could buy down the liability. **Draft Policy** - Director Howard reminded the Board they had asked Board

Attorney Scanlin to prepare a draft policy clarifying the return of a business to a selling outfitter.

*Chairman Judge adjourned for a break at 4:06 p.m. then reconvened at 4:16 p.m. Maria Barrett left the meeting.*

**Mr. Scanlin – Draft Policy regarding Default of a Sales Contract and Basis for Return of an Area to the Selling Outfitter.** Mr. Scanlin explained the proposed policy. The Board raised the question on how a situation would be handled where the buyer defaults and the seller is not considered by the Board to be a licensable outfitter. One Board member pointed out that these days IOGLB has a designated agent to be the bridge to help out this type of situation. The Board reinforced the need to maintain the flexibility to give the outfitter business to those interested in maintaining the high quality of the outfitter industry. The Board expressed their concern that the new language does not jeopardize a legitimate opportunity for outfitters to sell their businesses or recover those businesses upon default. Mr. Scanlin indicated that this policy could be adopted initially as a policy and maybe subsequently implemented as a rule change. The Board directed Mr. Scanlin to continue to work with the wording to show deliberate misuse of the opportunity to sell the business and bring the revised product back to the August Board Meeting.

**Vacated Operating Area Discussion:** Director Howard indicated that during a meeting that Board Members Farr and Bernt had with Northfork District Ranger, Steve Kimball, it was decided to do a prospectus to license the remaining (Potts) area made available as the result of the Horse Mountain Outfitter's license revocation. Board member Farr said that this prospectus should not be limited to neighboring outfitters but to anyone interested. Discussion ensued that Papoose Lake was to be retained by Travis Bullock based on the agreement that whoever sold first would relinquish their overlap. Director Howard reminded the Board that existing policy is that whoever sells first relinquishes an overlap; therefore, Papoose Lake would be given to Travis Bullock. The Board acknowledged that this would limit potential outfitters use in the area. Director Howard indicated that they would target this fall to disseminate the prospectus with target date of the February Board meeting for the selection.

**MSC (MOTION: FARR, SECOND: BERNT – UNANIMOUS) THAT THE BOARD APPROVE THE CONCEPT OF GOING TO A GENERAL PROSPECTUS ON THE OLD STAN POTTS AREA WITH NO LIMITATIONS ON WHO MAY APPLY.**

*Chairman Judge adjourned for the day at 5:20 p.m.*

## **TUESDAY, JUNE 27, 2006**

*Chairman Judge reconvened the Board Meeting at 8:10 a.m. on Tuesday, June 27, 2006. The following Board members were present: Bill Bernt, Scott Farr, and Marcus Gibbs. Also present were IOGLB Director Jake Howard, Board Attorney Steve Scanlin,*

*Enforcement Attorney Steve Tobiason, and Licensing and Support Office Supervisor Bonnie Fogdall.*

**MSC (MOVED GIBBS, SECOND: FARR, AYES BERNT, FARR, GIBBS, JUDGE; NAYES – NONE) AT 8:12 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. LITIGATION AND POTENTIAL PERSONNEL MATTERS WERE DISCUSSED. MSC (MOTION: FARR, SECOND: GIBBS; AYES BERNT, FARR, GIBBS, JUDGE; NAYES – NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT APPROXIMATELY 9:30 A.M. WITH NO DECISIONS MADE OR ACTIONS ASSIGNED.**

*Chairman Judge recessed the meeting until 11:00 a.m.*

*Chairman Judge called the meeting to session at 11:05 a.m. with Board Members Bernt, Farr and Gibbs present. In addition were Director Howard, Board Attorney Steve Scanlin, and Office Supervisor Fogdall as well as Peggy Bernt. Participating by phone were Mark Cardall, outfitter for Poker Peak Outfitters, and Heidi Heyrend, Caribou-Targhee National Forest.*

**Mark Cardall - Conference Call --** Director Howard explained the purpose for the call, which was to determine where Mr. Cardall was with regard to his Idaho outfitter business; i.e., was he going to sell it or to keep it. Director Howard pointed out that Mr. Cardall was on probation through March 2007 which required the Board to review any transaction. He reviewed past actions including a previous meeting with the Montpelier District Ranger to discuss activities relating to this outfitter business. He said there was concern with Mr. Cardall indicating to the Board when he received this opportunity through a prospectus that it would be part of his adjoining outfitter operation in Wyoming. He said that it appeared the Wyoming business had been sold separately and he said there was concern whether the Idaho area alone could sustain an outfitter operation. He said that additionally Mr. Cardall has had several potential buyers but no buy/sell actions had been finalized and there was a considerable amount of confusion on each of these transactions as to what was actually being sold, sales agreements, operating plans and etc. Mr. Cardall responded to written questions prepared by Director Howard in outlined in a May 21, 2006 letter to Mr. Cardall.

Mr. Cardall stated that initially his buy/sell agreement was with an individual, who subsequently wanted to have another individual be the buyer. Mr. Cardall began the process with the second individual on November 15 and although the second individual assured Mr. Cardall that he was completing the paperwork, after a phone call to IOGLB in April it was determined that this was not the case. Therefore, Mr. Cardall cancelled the sale with the second individual. Mr. Cardall explained he has a portion of the business in Wyoming. He has determined that he must operate closer to his home base in Eastern Wyoming and that he must sell the business as a Wyoming/Idaho business. Mr. Cardall confirmed that there were hard assets that would definitely be sold with the

business; i.e., tents, camp gear, cooking utensils. In response to Board Member Farr's question whether the Idaho portion could be a stand alone area or not Mr. Cardall responded that Unit 66 is a difficult area to hunt and to draw tags. Cardall doesn't have set-asides or over-the-counter tags that have been available to other outfitters, especially regarding rifle elk hunting. Mr. Cardall indicated his Wyoming use was strictly a draw, with his camp located up Smith's Fork off Hwy 89. Mr. Cardall told the Board that the Wyoming and Idaho hunt times run in parallel for most of the season. It was very feasible to have a new outfitter operate in both the Idaho/Wyoming areas. Heidi Heyrend affirmed that the forest service would be willing to issue the permit if a viable operator were found. Mr. Cardall asked about the 2 allocated permits that were with the Unit 76/77 prospectus. He was aware that they went to Phil Baker. Director Howard indicated that the Board does not have the ability to generate new tags and that controlled hunt tags were based on historical use. Mr. Baker was the Board's first choice to fill the Unit 76/77 and was awarded the controlled tags. He explained at that time the Board choose to split the area and allow Mr. Cardall to establish a business in Idaho to help his Wyoming business but no allocated tags were available.

*The telecom ended at 11:50 a.m. and Mr. Cardall and Ms. Heyrend ended the phone call.*

Discussion ensued about whether or not the Board could require Mr. Cardall to include the Wyoming business with the selling of the Idaho outfitting business. The Board decided to not provide Mr. Cardall further direction other than remind him that their concerns outlined in Director Howard's earlier letters remain. The Board affirmed that due to Mr. Cardall's probation, any transaction must to be examined and approved by the Board prior to execution. They asked Mr. Cardall help his buyer to improve their understanding of the application process including the quality of their application and understanding that opportunities for additional operating areas in Idaho are very limited and are only available through a competitive process or the purchase of another business.

Director Howard also told the Board that he would revive the Unit 75 prospectus and get it ready for an upcoming Board meeting probably the February 2007 meeting.

*Chairman Judge recessed the meeting for lunch at 12:10 p.m. Meeting reconvened at 1:35 p.m. with Board members Bernt, Farr, and Gibbs present. Also in attendance were Director Howard, Enforcement Chief Snooks, Board Attorney Scanlin, Enforcement Attorney Tobiason, Office Supervisor Fogdall in addition to Peggy Bernt and Ray Lyon.*

**HEARING – SANDY PODSAID:** Also present were Sandy Podsaid; Steve Tobiason, Board Prosecuting Attorney; BJ Snooks, Enforcement Chief; Bonnie Fogdall, Office Supervisor and Jake Howard, IOGLB Executive Director. Introductory remarks were made by Hearing Administrator Scanlin. In response to Mr. Podsaid's question, Mr. Scanlin indicated that no action was on the record for the Podsaid settlement agreement. Chief Snooks, Mr. Howard, and Mr. Podsaid were all sworn in by Hearing Administrator Scanlin. Mr. Tobiason explained the first complaint about (1) nonpayment of veterinary bill. Mr. Tobiason stated that count (2) was based on the fact that Mr. Podsaid allowed his business to lapse as a corporation without a licensing amendment to re-license as a

sole proprietorship. After review, Mr. Podsaid and Mr. Tobiason agreed to have a number of exhibits entered into the record. Mr. Tobiason, Mr. Podsaid presented information with regard to the violations.

*Leah Gray, Prairie Equine Hospital, PLLC then joined the meeting by phone.*

Dr. Gray was sworn in by Hearing Administrator Scanlin. Mr. Tobiason then questioned the witness, Leah Christine Gray, a licensed veterinarian in OR, ID, WA practicing in Idaho at the time. Dr. Gray indicated that Mr. Podsaid was served as a walk-in emergency on July 23, 2003, for a downed mule in Mr. Podsaid's trailer. Mr. Podsaid contested that the cost of doing the bloodwork and overnight stay costs were excessive. Board member Farr questioned whether or not these charges had been deemed appropriate by the courts. Dr. Gray said that the court reaffirmed that the charges were in line with the veterinary service provided.

*Dr. Gray concluded her testimony and the call were ended.*

Mr. Snooks then was interviewed by Mr. Tobiason with regard to Secretary of State's articles of incorporation. Mr. Snooks indicated that the Grays tried to file suit against A-W Outfitters but had been told by the Secretary of State's office that his corporate business had been dissolved. Therefore, the Grays contacted Enforcement Chief Snooks and told him that they would have to file against Mr. Podsaid personally rather than as a business. Mr. Podsaid, after Chief Snooks told him IOGLB was aware that his business had been administratively dissolved on January 31, 2006, indicated that he was unaware of the administrative situation. Mr. Podsaid said that he had taken care of the situation.

*Chairman Judge recessed the meeting at 2:52 p.m. and reconvened at 3:00 p.m.*

Mr. Podsaid spoke first to count 2. He believes he submitted the address changes to the Secretary of State's office and there was an administrative error that resulted in the changes not being made. Mr. Podsaid said that with regard to count 1 there was a dispute about the cost. Board member. Farr asked whether or not the payment was made as a result of the Board action at the January 2006 Board Meeting that the Board would not allow the sale of Mr. Podsaid's business to continue until the veterinary bill was paid. Mr. Podsaid said that he paid the bill after the Board had made that decision; however, it was paid because of a court decision, not because it was mandated by the Board. Hearing Administrator Scanlin asked Mr. Podsaid if there was anything else he wanted to present. Mr. Podsaid indicated there was not.

**MSC (MOTION: FARR, SECOND: GIBBS – AYES BERNT, FARR, GIBBS, JUDGE; NAYES -- NONE) AT 3:40 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. LITIGATION AND POTENTIAL PERSONNEL MATTERS WERE DISCUSSED. MSC (MOTION: BERNT, SECOND: FARR, AYES BERNT, FARR, GIBBS, JUDGE; NAYES -- NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED**

**APPROXIMATELY 4:06 P.M. WITH NO DECISIONS MADE OR ACTIONS ASSIGNED.**

*Chairman Judge called the regular session to order at 4:07 p.m. Mr. Podsaid, Enforcement Chief Snooks, and Enforcement Attorney Tobiason returned to the meeting.*

**MSC (MOTION: FARR, SECOND: GIBBS -- UNANIMOUS) THAT MR. PODSAID BE FOUND IN VIOLATION OF BOTH COUNTS, WITH NO DISCIPLINARY ACTION ON COUNT 2 AND THE FINE ASSOCIATED WITH COUNT 1 BE ASSESSED AT \$1,000.**

*Chairman Judge took a brief recess at 4:15 p.m. and reconvened at 4:22 p.m.*

**Administrative Hearing for Guide License for Sandy Podsaid:** Hearing Administrator Scanlin indicated that in order to go forward with this hearing it would probably take approximately 2-3 hours and that Mr. Tobiason and Mr. Podsaid will need to keep their information as brief as possible. Instead, the Board chose to discuss a settlement with Mr. Podsaid. Mr. Podsaid asked that the Board issue a probationary guide license allow him to guide for outfitter Shawn Martz and that Mr. Podsaid would then have a review by the Board at its January 2007 meeting. Mr. Tobiason told the Board he felt that they had three options: (1) license, (2) not license, and (3) license w/probation. Mr. Tobiason's said his intent was to show noncompliance with various regulatory agencies and to show that on probation Mr. Podsaid should limit his activities to nothing more than traditional guiding. Mr. Tobiason then presented a draft of probationary conditions that could be applied to Mr. Podsaid's guide license.

**MW (MOTION: GIBBS, SECOND: NONE) THAT THE BOARD AUTHORIZE THE ISSUANCE OF A GUIDE LICENSE TO SANDY PODSAID WITH THE 10 CONDITIONS TO BE LISTED ON A PROBATIONARY LICENSE FOR TWO YEARS. WITHDRAWN BY MR. GIBBS.**

*At 5:55 p.m., Mr. Tobiason left the meeting with Director Howard to revise the probationary conditions.*

Board member Farr requested the Board recess and reconvene at 8:00 a.m. on Wednesday to complete Mr. Podsaid's guide license hearing. Exhibits provided by Mr. Podsaid and Mr. Tobiasen were provided to the Board along a revised list of probationary conditions prepared by Mr. Tobiason and Director Howard. Mr. Podsaid was provided a copy of the revised list of probationary conditions.

*Chairman Judge adjourned the meeting at 6:25 p.m.*

**WEDNESDAY, JUNE 28, 2006**

*Chairman Judge reconvened the Board Meeting at 8:15 a.m. on Wednesday, June 28, 2006. The following Board members were present: Bill Bernt, Scott Farr, and Marcus Gibbs. Also present were IOGLB Director Jake Howard, Board Attorney Steve Scanlin,*



*Enforcement Attorney Steve Tobiason, Enforcement Chief BJ Snooks, and Licensing and Support Office Supervisor Bonnie Fogdall. Other attendees were: Sandy Podsaid and Peggy Bernt.*

**Guide License Hearing for Sandy Podsaid (cont.)** – Hearing Administrator Scanlin called the hearing to order at 8:16 a.m. Mr. Podsaid asked for clarification on the probationary conditions if he were to seek to become an outfitter again. The Board indicated that this meeting is only for a guide license and if/when Mr. Podsaid would seek an outfitter license that would be considered a separate matter. Vice Chairman Farr speaking on behalf of the Board cautioned Mr. Podsaid that it was not the intent of State of Idaho outfitters and guides governing statutes and rules or the Board itself for a guide to operate or attempt to operate as an outfitter under another outfitter's license.

**MSC (MOTION: GIBBS, SECOND: FARR – UNANIMOUS) ADOPT FINAL VERSION OF PROBATIONARY LICENSE CONDITIONS WITH 2 CHANGES [ SECTION 2 – ADD: W/O BOARD APPROVAL; SECTION 3 – ADVERTISEMENT MUST BE UNDER THE NAME OF SHAWN MARTZ AND NOT UNDER MR. PODSAID'S GUIDE LICENSE.**

The following conditions of the two year probationary period probation subject to future Board evaluation include:

- (1) Mr. Podsaid, as a licensed guide for Shawn Martz and Bitterroot Mountain Outfitters, Inc. cannot operate as a guide from any camp located inside the operating area of Randall Parks, Idaho Centennial Trail Outfitters;
- (2) Mr. Podsaid can be employed as a licensed guide for Mr. Shawn Martz and Bitterroot Mountain Outfitters, Inc. but cannot be employed as a licensed guide for any other Idaho outfitter without prior approval of the Board;
- (3) Mr. Podsaid can advertise on behalf of Shawn Martz and Bitterroot Mountain Outfitters, Inc. but cannot advertise, as an outfitter or guide on behalf of any other Idaho outfitter; these advertisements must be under the name of Shawn Martz or Bitterroot Mountain Outfitters and no other individual or company.
- (4) Mr. Podsaid can book outfitting trips to be provided in the state of Idaho for Shawn Martz and Bitterroot Mountain Outfitters, Inc. but cannot book outfitting or guided services on behalf of any other Idaho outfitter, without prior approval of the Board;
- (5) Mr. Podsaid cannot accept or receive client fees on behalf of any Idaho outfitter;
- (6) Mr. Podsaid cannot own, control, have the authority to issue checks on, or deposit funds into any bank account(s) of any Idaho outfitter;
- (7) Mr. Podsaid cannot hire or terminate guides employed by any Idaho outfitter;
- (8) Mr. Podsaid shall have written agreements for any equipment or stock leases with any Idaho Outfitter and Mr. Podsaid shall provide a copy of the written lease agreement to the Board prior to performing any of the conditions of the lease agreement. Mr. Podsaid shall timely fulfill his entire financial obligation pursuant to such lease agreements.
- (9) Mr. Podsaid shall timely pay or contest all expenses incurred in his capacity as a licensed guide.

- (10) Any interaction Mr. Podsaid has with other regulatory agencies or employees thereof must be professional, respectful, and timely.
- (11) Mr. Podsaid must comply with all deadlines of the Board or other regulatory agencies.
- (12) Mr. Podsaid shall pay the administrative fine of \$1000 in case number 06-10314-13 within 30 days from June 27, 2006.
- (13) Must comply standard terms of probation outlined IDAPA 25.01.01.068.

*Mr. Podsaid left the meeting and Mr. Darl Allred, Allred Adventures joined the meeting at 8:45 a.m.*

**Sullivan Agreement** (Continued) – Mr. Tobiason asked the Board to reconsider the Terry Sullivan matter and provided a revised agreement, which came out of a discussion he had with Director Howard following the Board's earlier discussion. Chief Snooks clarified for the Board the points of the case, which involve unlicensed guides.

**MSC (MOTION: FARR, SECOND: BERNT – UNANIMOUS) TO DENY THE PREVIOUS STIPULATION AND AUTHORIZE MR. TOBIASON TO PROVIDE THE REVISED STIPULATION TO MR. SULLIVAN FOR HIS ACCEPTANCE.**

*Chief Snooks and Mr. Tobiason left the meeting. Scott Denny, Angela Denny, Robin Metz (Boise National Forest) joined the meeting at 9:05 a.m..*

#### **Territorial Hearing – Allred/Denny**

Hearing Administrator Steve Scanlin explained the purpose of the hearing and gave an opening statement. Ms. Fogdall presented the facts of the case, including maps of the area. Mr. Denny and Mr. Allred were sworn in by Hearing Administrator Scanlin. Mr. Denny indicated the area of dispute was purchased in April 2001 with the understanding that there were no overlaps in the operating area at that time. Mr. Denny entered into evidence a set of exhibits (maps and Mr. Russell's affidavit packet). Chairman Judge clarified that the only matter at hand was bear and cougar.

Mr. Allred presented exhibits. Mr. Denny had no objection to these documents being entered into the record. Mr. Allred spoke to a three-year period when there was much confusion among several outfitters. Mr. Allred spoke to his use in two areas (1) upper Ten Mile and (2) Bluejay and McDonald Creeks. Mr. Allred's main dealings on this area were with the previous owner Mr. Tuck Russell. Mr. Allred said he has been licensed and he has use in those areas. Mr. Denny also indicated he had some use in this area. Mr. Denny questioned whether or not Mr. Allred would have had to submit an amendment. Board member Farr clarified that when the Board orders a change in the boundary, no amendment is required by the outfitter. Mrs. Denny reviewed the December 8, 1997 letter from Mr. Sangrey to Mr. Russell stating that the agreement was that Mr. Russell would not conduct hound hunting in the fall leaving the assumption that he was appropriately licensed for bear and cougar. Chairman Judge indicated that the Board's wish is to eliminate overlaps. The Board encouraged both outfitters to get together and work out a solution. The outfitters indicated that they were unable to do so.

*Chairman Judge recessed the meeting at 10:25 a.m. in order for Mr. Allred and Mr. Denny to try to reach a resolution. Chairman Judge reconvened the meeting at 10:50 a.m.*

**MSC (MOTION: FARR, SECOND: GIBBS – AYES BERNT, FARR, GIBBS, JUDGE; NAYES -- NONE) AT 10:50 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. LITIGATION AND POTENTIAL PERSONNEL MATTERS WERE DISCUSSED. MSC (MOTION: BERNT, SECOND: FARR, AYES BERNT, FARR, GIBBS, JUDGE; NAYES -- NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 11:10 A.M.**

*Chairman Judge reconvened the meeting with all members of the Board present. Also in attendance were Director Howard, Board Attorney Scanlin, Office Supervisor Fogdall, and Angela Denny, S&A Enterprises.*

The suggestion was made and accepted by the Board and all parties that Dean Sangrey (Director at the time) be contacted to determine if he had any additional clarification on this subject. Director Howard agreed to discuss this matter with Mr. Sangrey and would schedule a conference call in the next week.

The Board discussed the pros and cons of waiting vs. making a decision after discussions with Dean Sangrey, Ray Lyon, Robin Metz or others that may provide additional information.

**MSC (MOTION: GIBBS, SECOND: FARR -- UNANIMOUS) TO TAKE THE MATTER UNDER ADVISEMENT AND INSTRUCT STAFF TO GET WITH THE PARTIES OF INTEREST AND PROVIDE INFORMATION TO THE BOARD AS QUICKLY AS POSSIBLE.**

Mr. Denny and Mr. Allred thanked the Board and encouraged the Board to make a timely decision.

**Misc. Matters:** Mr. Bernt asked to bring the following things before the Board.

1. **Discussion with Coast Guard** regarding changes to their regulations governing outfitters in Idaho – Mr. Snooks and Director Howard explained that they had met with Grant Simonds and transferred the information to IOGA enabling IOGA to pursue changes to Coast Guard regulations.
2. **Meeting schedule** – Discussion was held regarding the need to make a rule change to change the meetings to Quarterly and eliminate the April meeting. Director Howard explained the Board meetings were adequately addressed in statute and the rule governing –the meetings was confining and was not needed.

**MSC (MOTION: GIBBS, SECOND: BERNT -- UNANIMOUS) TO REMOVE  
THE RULE 71 AND JUST FOLLOW THE STATUTE.**

3. **Date for Next Board Meeting** – There are several brainstorming issues that need to be discussed according to Director Howard. September 6-7, 2006 is the most likely time for all to be present.

**MSC (MOTION: FARR, SECOND: BERNT, UNANIMOUS) THAT THE JUNE  
MEETING OF THE IOGLB BOARD BE ADJOURNED.**

*With no further business to come before the Board, Chairman Judge adjourned the meeting at 12:45 p.m., April 26, 2006.*

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WILL JUDGE, CHAIRMAN

ATTEST:

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JAKE HOWARD, DIRECTOR